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made at a time when the parties must have intended to deal with the motion picture rights. The extension of the doctrine of the case of *Harper Bros.* v. *Klaw, supra,* to cover the case at bar, makes it impossible for a grantor to enjoy the benefits of that portion of his estate not conveyed away, unless, by express terms, he reserves the right to do so.

DEEDS—DELIVERY—EFFECT OF RECORDING.—The plaintiff, being advised by a physician that he might die at any time, made a deed of land to his son reserving a life estate to himself. This deed remained in the custody of the plaintiff except for the time between giving it to the clerk for record and receiving it back after recording. He did not intend to give up possession of it unless he became sick. The son knew nothing of the execution and recording of the deed to him. A bill was brought by the plaintiff to cancel the deed. *Held,* the presumption of delivery by recording was rebutted by the facts of the case. *Lynch* v. *Lynch* (Miss. 1920) 83 So. 807.

The mere fact of recording a deed is generally held to show a presumption of delivery so far as any acts of the grantor are required. *Rogers* v. *Jones* (1916) 172 N. C. 156, 90 S. E. 117; *cf. Guggenheimer* v. *Lockridge* (1894) 39 W. Va. 457, 19 S. E. 874. But this presumption is rebuttable by evidence indicating no intent to pass title. *Konser* v. *Konser* (1906) 219 Ill. 466, 76 N. E. 846; *Hogadone* v. *Grange Mut. Fire Ins. Co.* (1903) 133 Mich. 339, 94 N. W. 1045. Retention of possession of the deed or property by the grantor does not of itself rebut this presumption, either as in the instant case, *Valter* v. *Blavka* (1902) 195 Ill. 610, 63 N. E. 499, or where no life estate is reserved. *Creighton* v. *Roe* (1905) 218 Ill. 619, 75 N. E. 1073; *Mitchell* v. *Ryan* (1854) 3 Oh. St. 377. Some states hold that recording is simply evidence to be considered in connection with other facts on the question of delivery. *Cravens* v. *Rossiter* (1893) 116 Mo. 338, 22 S. W. 736; see *Johnson* v. *Johnson* (1905) 38 Tex. Civ. App. 385, 85 S. W. 1023. Other jurisdictions regard recording alone as no evidence whatsoever of delivery. *Egan* v. *Horrigan* (1901) 96 Me. 46, 51 Atl. 246; *Maynard* v. *Maynard* (1813) 10 Mass. 462. But by the weight of authority, recording with intent to divest one's self of title, is conclusive against the grantor, if there is an acceptance by the grantee. This is implied if recording is done with the grantee's knowledged and consent. *Brady* v. *Huber* (1902) 197 Ill. 291, 64 N. E. 264; *cf. Parmelee* v. *Simpson* (1866) 72 U. S. 81. It is also presumed where the grant is beneficial, *Collings* v. *Collings* (Ky. 1906) 92 S. W. 577, especially in the case of a grantee under a mental disability, *Baker* v. *Hall* (1905) 214 Ill. 364, 73 N. E. 351, or an infant. *Coulson* v. *Coulson* (1903) 180 Mo. 709, 79 S. W. 473; *Compton* v. *White* (1891) 86 Mich. 33, 48 N. W. 635; *Colee* v. *Colee* (1889) 122 Ind. 109, 23 N. E. 687; *Mitchell* v. *Ryan, supra.* This is true of a husband or wife. *Sasseen* v. *Farmer* (1918) 179 Ky. 632, 201 S. W. 39; *Russell* v. *May* (1905) 77 Ark. 89, 90 S. W. 617. But some courts hold there is no presumption in the case of one *sui juris* who has no knowledge, especially if the grant is not beneficial. *Sullivan* v. *Eddy* (1894) 154 Ill. 199, 40 N. E. 482. In the instant case, it is immaterial whether the grantee was a minor or *sui juris,* since there was in fact no intent to deliver the deed.

EXEMPTION—APPLICABILITY TO CRIMINAL CASES—COSTS AND FINES.—The plaintiff had been convicted of burglary and a judgment in favor of the people for the costs of the prosecution had been rendered against